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EXAMINER

CHIN, RANDALL E

ART UNIT

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3723

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,234

Applicant(s)

YUFA, YELENA V.

Examiner

Randall Chin

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 26-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date 12082003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of the species of Figs. 1 and 2, claims 26-38, in the reply filed on 22 January 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

2. The disclosure is objected to because of the following informalities:

On p. 7, line 12, it is suggested to change "third section 6" to –third telescopic section 6-- for clarity.

On p. 8, line 4, what is a "sprang" ball?

On p. 8, line 16, which "Fig. 3" is being referred to since only a "Fig. 3a" and "Fig. 3b" has been disclosed?

On p. 12, lines, 13, 14, 17 and 19 and p. 13, line 3, what is a first "sprang" electrical contact?

Applicant is respectfully requested in reviewing the entire specification for correction of the term "sprang" wherever else such term appears.

Appropriate correction is required.

Claim Objections

3. Claims 26, 28, 29 and 33-37 are objected to because of the following informalities:

Claim 26, line 3, in the recitation "a telescopic portion comprising at least one of a plurality of telescopic sections", Applicant should note that a telescopic arrangement is really formed from two or more telescopic portions and not just a single telescopic portion.

Claim 28 should more clearly structurally relate the power supply with that already set forth back in claim 26 to avoid any double inclusion of elements.

Claim 29, lines 2-4, the phrase "wherein a handle means of said...said axle or said connection means" sets forth repetitive language and appears to be a double inclusion of elements.

Claim 33, line 2, what is a "sprang" referring to?

Claim 34, lines 2 **and** 4, the recitation of the terms "or" here makes the claim an alternative expression rendering the claim vague and indefinite since it is unclear what Applicant intends the claimed invention to be.

Claim 35 makes the scope of the claims unclear since claim 35 appears to recite double inclusion of elements with that already recited back in claim 26. Claim 35, the phrase "wherein said power supply is further mechanical" is awkward and unnecessary here.

Claim 36, line 1, "a telescopic portion" should read --said telescopic portion-- for clarity. Claim 36 makes the scope of the claims unclear since claim 36 appears to recite double inclusion of elements with that already recited back in claim 26.

Claim 37 makes the scope of the claims unclear since claim 37 appears to recite double inclusion of elements with that already recited back in claim 26.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 26-29 and 31-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldstein 3,343,192 (hereinafter Goldstein).

As for claim 26, the patent to Goldstein discloses in Figs. 1, 2, 11 and 15, for example, a portable cleaning device 10, comprising a brush including a telescopic portion comprising at least one of a plurality of telescopic sections defined by axial sleeve 22a' (Fig. 15; col. 4, lines 24-34), a cleaning brush portion 61 (Fig. 1) or 75a (Fig. 11) coupled with said telescopic portion 22a' of said portable cleaning device, a handle portion comprising a power supply 35 located in said handle portion of said portable cleaning device, wherein said power supply includes a shaft or axle 104a', and wherein said power supply provides a rotation of said axle 104a' which is connected to said

telescopic portion 22a', a casing or handle means 12 including at least one front wall which includes an aperture (Fig. 15) intended for unobstructed passage of said axle or said telescopic portion of said portable cleaning device, a switching means 40 (Fig. 1) coupled with said power supply, and wherein said switching means is intended to control said power supply of said portable cleaning device

As for claim 27, said handle portion further comprises a cap or stand 48 capable of holding and convenient storage of said portable cleaning device 10 (Figs. 1 and 2).

As for claim 28, said power supply is electrical and comprises an electrical motor 20 electrically coupled with said switching means 40 of said portable cleaning device, and wherein said electrical motor includes said axle 104a', an electrical power supply 35 located in a power supply compartment of said handle means of said handle portion, and wherein said electrical motor is installed in at least one 30 (Fig. 2) of a plurality of holders located in said handle means.

As well as claim 29 is understood, said axle 104a' is further connected to a telescopic portion 22a' of said portable cleaning device through a connection means (not positively recited), and wherein a handle means of said portable cleaning device includes at least one front wall which comprises an aperture intended for unobstructed passage of said telescopic portion 22a'.

As for claim 31, said handle portion further comprises a stand 48 intended for charging of said electrical power supply (col. 2, lines 25-42).

As for claim 32, said electrical power supply is at least one 35 of a plurality of electrical batteries inserted in a power supply compartment and intended to power said

electrical motor 20, and wherein said electrical power supply is appropriately electrically connected to said electrical motor by electrical contacts 38 and electrical wires 36 through said switching means 40 of said handle means 12 of said handle portion of said portable cleaning device.

As well as claim 33 is understood, at least one of said electrical contacts connecting said electrical power supply is further presented by a "sprang" (spring) electrical contact 38 (col. 2, lines 15-17).

As for claim 34, said handle means 12 of said portable cleaning device is further dissectionable to provide a replacement of said electrical power supply in said handle portion by a detachable cap or lid 48 to provide a replacement of said electrical power supply in said handle portion (Fig. 2).

As well as claim 35 is understood, said power supply 35 is further mechanical and comprises a mechanical means including a handle 12 comprising a shaft rigidly coupled by one end with said handle and by another end with said axle 104a', and wherein said handle is mounted on a back wall of said handle means of said handle portion of said portable cleaning device, a second aperture 101 (Fig. 15) located into said back wall and providing an unobstructed passage of said shaft of said handle into said handle means a spring 38 or 65a' located in said handle means and mechanically connected to said axle, and a mechanical switching means 40 mechanically coupled with said axle.

As well as claim 36 is understood, said axle 104a' is further connected to a telescopic portion 22a' of said portable cleaning device through said mechanical switching means 40.

As well as claim 37 is understood, said axle 104a' is further connected to a telescopic portion 22a' of said portable cleaning device through a connection means (not positively recited), and wherein a handle means 12 of said portable cleaning device includes at least one front wall which comprises an aperture (Fig. 15) intended for unobstructed passage of said telescopic portion or said axle or said connection means.

As for claim 38, said handle portion further comprises a stand 48 capable of holding and convenient storage of said portable cleaning device

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein.

As for claim 30 reciting that said electrical motor of said portable cleaning device is a reversible electrical motor, it would have been obvious to one of ordinary skill in the art to have provided such a reversible electric motor in order to improve the versatility of

the cleaning device as well as the predictable result of varying the cleaning effect on debris or stains which need to be removed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Price, Evans, George, and Haughton are relevant to various telescopic handle arrangements.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randall Chin/
Primary Examiner, Art Unit 3723